

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

-against-

DONALD R. WILSON and DRW
INVESTMENTS, LLC,

Defendants.

ANALISA TORRES, District Judge:

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DATE FILED: 06/15/2016

13 Civ. 7884 (AT)

ORDER

An amici group¹ moves for leave to file an *amicus curiae* brief. ECF No. 125. Amici represent futures exchanges, clearing houses, futures brokerage firms, and futures market participants. Defendants, Donald R. Wilson and his company DRW Investments, LLC, consent to their request. ECF No. 130. Plaintiff, the United States Commodity Futures Trading Commission (the “CFTC”), opposes amici’s request, arguing that amici are not neutral parties but have simply parroted Defendants’ position. ECF No. 131. In the event that the Court permits amici to file, the CFTC asks permission to file opposition papers.

“There is no governing standard, rule or statute prescribing the procedure for obtaining leave to file an amicus brief in the district court.” *Lehman XS Trust, Series 2006-GP2 v. Greenpoint Mortg. Funding*, 12 Civ. 7935, 2014 WL 265784, at *1 (S.D.N.Y. Jan. 23, 2014) (internal quotations omitted). “A district court has broad discretion to decide whether to accept an amicus curiae brief.” *City of New York v. United States*, 971 F. Supp. 789, 799 n.3 (S.D.N.Y. 1997). Because amici have a unique viewpoint not represented by the current parties, the motion is GRANTED.

Accordingly, it is ORDERED that:

1. By **June 21, 2016**, amici shall file their proposed brief in the form filed at ECF No. 125-1.
2. By **July 15, 2016**, the CFTC shall respond in a brief of no more than three single-spaced pages addressing only the arguments raised by amici.
3. The Clerk of Court is directed to terminate the motion at ECF No. 125.

SO ORDERED.

Dated: June 15, 2016
New York, New York



ANALISA TORRES
United States District Judge

¹ Amici are the CME Group Inc.; Commodity Markets Council; Futures Industry Association, Inc.; Intercontinental Exchange, Inc.; and Managed Funds Association.